

Notice of Allowability

Application No.

09/395,935

Examiner

Kelly L. Jerabek

Applicant(s)

KOSEKI ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment Filed 3/28/2006.
2. ☒ The allowed claim(s) is/are 1 and 23-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Brown on 4/5/2006.

Please amend the application as follows:

Please cancel claims 2-9, 13-21 and 28.

Allowable Subject Matter

Claims 1 and 23-26 are allowed.

The following is an examiner's statement of reasons for allowance:

Art Unit: 2622

Re claim 1, the prior art of record fails to teach or suggest " An image pickup apparatus comprising: image pick up means capable of taking images of the same object at a plurality of different exposure amounts to generate image signals corresponding to a plurality of frames of different exposure amounts; means for generating wide dynamic range, synthesized image by synthesizing image signals corresponding to a plurality of frames of different exposure amounts obtained by the image pickup means; and a normal taking control means based on a normal taking mode for generating image pickup signals corresponding to one frame from said image pickup means, by one taking of image based on normal AE information; said image pickup apparatus further comprising: at least an automatic wide dynamic range taking control means among a forced wide dynamic range taking control means based on a forced wide dynamic range taking mode for forcing a generation of wide dynamic range, synthesized image, and the automatic wide dynamic range taking control means based on an automatic wide dynamic range taking mode for automatically controlling ON/OFF of generation processing of a wide dynamic range, synthesized image by determining based at least on an information set for the image taking among object information or information set for the image taking whether it is suitable for wide dynamic range image taking or not; and means for selectively setting one image taking mode out of the taking modes respectively corresponding to these control means, **wherein said information set for the image taking is a taking mode setting information among a consecutive taking mode, sports taking mode, strobe taking mode, scenery taking mode, and macro-strobe taking mode, or shutter speed or zoom power**".

Re claim 25, the prior art of record fails to teach or suggest "An image pickup apparatus comprising: image pick up means capable of taking images of the same object at a plurality of different exposure amounts to generate image signals corresponding to a plurality of frames of different exposure amounts; means for generating wide dynamic range, synthesized image by synthesizing image signals corresponding to a plurality of frames of different exposure amounts obtained by the image pickup means; said image pickup apparatus further comprising: an automatic wide dynamic range taking control means for automatically controlling ON/OFF of generation processing of a wide dynamic range, synthesized image by determining based on object information or information set for the image taking whether it is suitable for wide dynamic range image taking or not; a motion detecting section for detecting motion in the object to be taken, wherein said automatic wide dynamic range taking control means controls ON/OFF of the generation processing of a wide dynamic range, synthesized image based on an output of said motion detecting section; and **an autofocus (AF) circuit, wherein said motion detecting section detects motion in the object based on AF signal from said AF circuit**".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on **(571) 272-7593**. The fax phone number for submitting all Official communications is **(703) 872-9306**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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SUPERVISORY PATENT EXAMINER